
MEMORANDUM TO: Planning Commission

FROM: Greg Ossont, Director
Planning and Code Administration

DATE: April 12, 2006

SUBJECT: Revised Staff Analysis and Recommendation

X-182 - Application to annex 182.81725 acres of land adjacent to the present corporate limits, known as the Crown Property, located at the southwest side of Fields Road, bounded by Sam Eig Highway to the northwest and Omega Drive to the southeast. The application requests a reclassification of the subject property from the current R-60/TDR (Medium Density Residential with Transfer of Development Rights), R-200 (Low Density Residential), and R-200/TDR Zones in Montgomery County to the MXD (Mixed Use Development) Zone in the City of Gaithersburg, Maryland.

OWNERS:

Crown Village Farm, LLC
c/o KB Home Maryland LLC
8000 Tower Crescent Drive #1350
Vienna, VA 22182-6207
(Owner of 176.20820 Acres)

Meridian Northwestern Shady Grove West, LLC
c/o Meridian Group
3 Bethesda Metro Center, Suite 610
Bethesda, MD 20814-5392
(Owner of 0.15773 Acres)

Montgomery County
101 Monroe Street
Rockville, MD 20850
(Owner of 6.45123 Acres)

APPLICANTS:

Crown Farm Village, LLC
c/o KB Home Maryland LLC
8000 Tower Crescent Drive #1350
Vienna, VA 22182

Catherine C. Stinson
10000 Fields Road
Gaithersburg, MD 20878

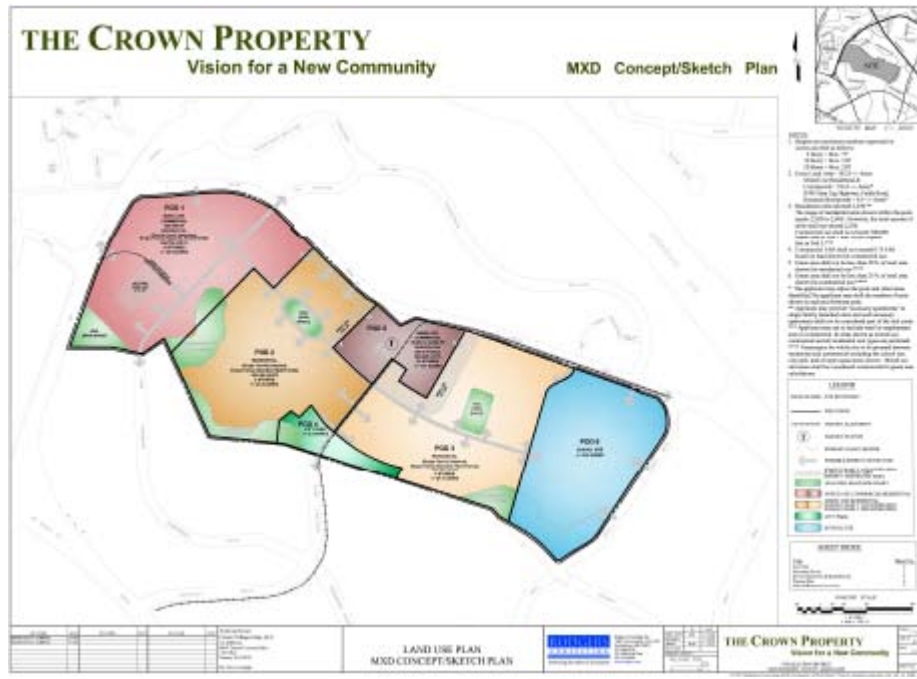
Clyde A. Stinson
10000 Fields Road
Gaithersburg, MD 20878

DEVELOPER:

Crown Farm Village, LLC
c/o KB Homes
8000 Towers Crescent Drive #1350
Vienna, VA 22182

TAX MAP REFERENCE:

Tax Sheets: FS 341, FS 342, FS 561, FS 562
Tax ID Numbers: 09-00769292, 09-00777372, 09-00769270,
09-00769268, 09-00769304



BACKGROUND:

The annexation petition requests the annexation of 182.81725 acres. Crown Village Farm, LLC, is the owner of 176.20829 acres with the remainder of the property consisting of 0.15773 acres owned by Meridian/Northwestern Shady Grove West, LLC, and 6.45123 acres of Montgomery County owned right of ways. The property further consists of Parcels P600, P445, P833, P820, P905, and N094, as shown on Montgomery County Tax Maps. The roadways and the parcels are adjacent and contiguous to the current City limits.

A three-day public charrette, sponsored by the developer, Crown Farm Village LLC, was held September 22-25, 2005, and attended by approximately 250 people. Attendees, including City staff and officials as well as Maryland-National Capital Park and Planning, Montgomery County Public Schools and Montgomery County staff and officials, participated in a tour of the Crown Property and provided input into the vision for its development. The results of the charrette were formally presented by the developer to the City Council and Planning Commission on October 10, 2005.

A joint public hearing on the proposed annexation was held before the City Council and the Planning Commission of the City of Gaithersburg on February 6, 2006. The public hearing was duly advertised and posted. In addition, adjacent property owners within 500 feet and required agencies were notified per Article 23A, Subsection 19(a) of the *Annotated Code of Maryland*. The required outline of public facilities was prepared and distributed to appropriate parties.

At the public hearing, Matthew Bell of Ehrenkrantz, Eckstut and Kuhn Architects and representing the developer, reiterated the outcome of the community charrette and stated that public feedback suggested a walkable community with high quality design, a

community friendly high school design at the southern end, greater retail choices anchored by a grocery store and a connection to Washingtonian retail at the Sam Eigg side of the site, convenient mass transit integrated with the community, and access to natural and active public parks.

Attendees at the public hearing raised additional issues relating to adequacy of infrastructure and public facilities, affordable housing, increase in traffic, the proposed high density, impact on schools, and the proposed development of the Cities Corridor Transitway (CCT).

Minutes and a transcript of the meeting are available at www.gaithersburgmd.gov, or the taped version may be viewed online under *Archived City Council Meetings*. The records of both the City Council and Planning Commission were held open indefinitely.

The first public joint work session with the City Council and Planning Commission was held on February 27, 2006, at which time the issues were discussed in more depth. During the course of this work session, the Mayor and City Council and Planning Commission provided the following guidance:

- Overall residential density should not exceed density permitted under the County's existing Master Plan;
- Clubhouse and Homeowner's Association (HOA) facilities must be better integrated into the community, and additional green space must be provided;
- Significant affordable housing component must be included;
- Five-acres of land should be dedicated to the City as parkland;
- Proposed changes to the CCT alignment and proposed changes to the location of the transit station are appropriate;
- POD #2 should be eliminated and integrated into POD #1; and,
- Overwhelming majority of multi-family dwellings should be located over the retail components of POD #1 and near the transit station within POD #6.

A second joint work session was held on March 13, 2006. The applicant presented a revised sketch plan incorporating changes suggested during the previous work session. Affordable housing issues and school capacity issues were also discussed during this work session.

MAXIMUM EXPANSION LIMITS:

Neither the *City of Gaithersburg 2003 Master Plan Process and Overview* nor the *Land Use Element of the Master Plan* (2003) addresses Maximum Expansion limits. However, the purpose of setting maximum expansion limits was defined in the City's previous Master Plan of 1997, namely, that the determination of maximum expansion limits serves as a useful planning tool in determining service needs and responsibilities.

While not shown as part of the maximum expansion limits in 1997, the Crown Farm is nevertheless listed in the City's 2003 Land Use Master Plan as a potential area to be incorporated into the municipal boundaries. It is labeled as future "Special Study Area 4" due to its proximity to the existing City boundaries.

ENVIRONMENT:

The Crown Farm property is a roughly rectangular shaped 177.9-acre site, located along the south side of Fields Road extending to Sam Eig Highway to the west and Omega Drive to the east. The property slopes and drains south towards the property line that follows a stream valley. The stream drains in a westerly direction and is a perennial tributary to the main-stem of the Muddy Branch. The current land use is predominantly agriculture, as the property is composed of four (4) separate farmsteads with associated buildings and open agricultural fields. The England/Crown House, identified on Montgomery County's Master Plan as a historic structure, is located in the central portion of the property. Fencerows delineate the fields and many are overgrown with invasives such as Japanese honeysuckle. Common to working farms, underground fuel tanks exist on the site, as do areas for dumping and machine storage. Future environmental assessments and clean up of these sites is recommended.

Two (2) underground water transmission lines, traveling in a north-south direction, bisect the property. A storm drain system travels from the Washingtonian Center beneath the subject site and outfalls beyond the southern boundary of the Crown Farm site. A number of grading and drainage easements are found along the improved perimeter of the site.

The Department of Natural Resources (DNR) has confirmed there are no rare, threatened, or endangered species on the site. The Crown Farm contains the typical array of urban wildlife species: deer, chipmunk, squirrel, fox, and assorted bird species.

The Crown Farm site contains seven soil types according to the "Montgomery County Soil Survey." The majority of the site is Gaila and Glenelg silt loams and comprise the agricultural fields. The Natural Resource Conservation Service (NRCS) has identified two (2) of the found soils, Baile silt loam and Hatboro silt loam, as hydric and one (1), Brinklow-Blocktown channery silt loam as highly erodible. These soils are allied with the stream and stream valley buffer. These soil types help confirm the presence of wetlands. Approximately 6.02 acres total of the site are considered 100-year floodplain, in which are found the wetlands. The National Wetlands Inventory of the U.S. Fish and Wildlife Service has identified two (2) wetlands: one being the farm pond and the other a

palustrine forested wetland found along southern property line. Following an on-site wetland delineation performed by McCarthy & Associates, a total of .88 acres of non-tidal wetlands were identified. This was confirmed by the U.S. Army Corps of Engineers, who issued a Jurisdictional Determination (JD).

The 15.05± acres of southern stream valley buffer holds not only the 0.88± acres of on-site wetlands, but also the greater part of the identified forest. Although dominated by rotation crop agricultural fields, 7.5± acres of forest composed of eight (8) separate stands have been delineated. These stands are home to the majority of the 141 specimen trees found throughout the Crown Farm. The eight (8) stands fall into one of four descriptive categories:

- a) Successional/Transitional: Dominated by Tulip poplar, Red maple, Ailanthus, Black walnut, and Red cedar. The majority of trees measure 2-4" diameter at breast height (DBH).
- b) Mature Hardwoods: Dominated by Tulip poplar, Red maple, and mixed oaks. This category is located along stream channels with many of the trees measuring 24" DBH (specimen) or greater.
- c) Transitional/Immature: Dominated by Tulip Poplar with some Black Cherry and Red Maple. The trees usually measure 2-6" DBH.
- d) Sawtimber, Poletimber, and Mature Mixed Hardwoods: Dominated by Tulip Poplar and Red Maple. Trees in this category measure from 6" to greater than 24" DBH.

The stands are as follows:

Stand 1: Category (A) This 0.8-acre stand is sited near a small stream and was probably earlier farmed field allowed to go fallow that has begun to revert to forest. Large number of invasive species including multi-flora rose are found in this stand. This stand has a high retention value.

Stand 2: Category (B) This 0.42-acre stand is located alongside and around the southern stream channel. Non-tidal wetlands are found throughout this stand. This stand has an abundance of groundcover, shrubs, and specimen trees, many of which are wetland species. This stand has a high retention value.

Stand 3: Category (E) This 0.36-acre stand is located on a hillside with some steep slopes. This stand, with the dominant Tulip Poplars and associate mixed hardwoods species (Oaks), maintains a number of specimen trees. This stand has a high retention value.

Stand 4: Category (E) This 0.34-acre stand is very similar to Stand 3, but with less associated Oak species. It is located on a steep sloped hillside that ends at the stream and wetlands found in Stand 2. This stand has a high retention value.

Stand 5: Category (B) This 0.87-acre stand is aligned with the stream channel and associated wetlands. This stand could be prone to flooding. Composed of mostly Tulip Poplars, there are a number of mixed Oak species and specimen trees present. The understory vegetation found is associated with hydric soils and wetlands. This stand has a high retention value.

Stand 6: Category (E) This 1.84-acre stand, with a number of specimen trees, is located on the north side of Stand 5. The environmental setting is the same as Stand 5 with the stream channel and wetlands. Tulip poplars dominate with associated mixed hardwoods. This stand has a high retention value.

Stand 7: Category (E) This 2.3-acre stand is located on the south side of Stand 5. It has the same structure and setting as Stand 6 with Tulip Poplars and Red Maples co-dominant. Numerous specimen trees exist. This stand has a high retention value.

Stand 8: Category (C) This 0.7-acre stand is found on the far southeastern portion of the property bordering Omega Drive. The composition is almost all Tulip Poplars in the 1-6" DBH range. The stand does contain three (3) specimen trees on the property line. This land was probably an abandoned field or pasture that has begun to revert to forest with a number of invasive groundcover species. The retention value should be further studied due to the proximity of a non-tidal wetland.

A preliminary noise impact study was performed by Phoenix Noise and Vibration. This study took into account current conditions only. The study used the 65 dBA day/night average (Ldn) as the acceptable level for residential development. The study found that property within 150-225' of the Sam Eig Highway centerline are impacted by levels at or higher than the 65 dBA Ldn. Property within 80-166' of the Omega Drive/Fields Road centerline are impacted by levels at or higher than the 65 dBA Ldn. As project plans and traffic studies are refined, an updated noise study should be performed and include future traffic associated with the development of the Crown Farm.

HISTORIC RESOURCES:

A portion of the proposed annexation area is historically known as the England/Crown Farm. Several of the farm structures were placed on the Montgomery County Master Plan for Historic Preservation on October 2, 1984, and are listed on that plan as Site #20/17. The *Montgomery County 1990 Approved and Adopted Shady Grove Area Master Plan* identifies an environmental setting consisting of a 47.5-acre parcel. This setting would be further evaluated at the time of development.

The designated buildings include a two-story frame Victorian house and an earlier log structure built circa mid-1880s. The England family had purchased this land from the Hunter family and built the house by 1894. The house has a full width front porch, intricate bracket work and cornice along its main facade. It represents a typical Maryland farmstead and appears on the Hopkins Map of 1894 under the name of Hattie England. Later, the farm was the home of George Garrett, until being purchased by the Crown family in the early 20th century. The log building, which pre-dates the main house, contains a boxed staircase leading to a loft and may have been a tenant house during the Hunter family's ownership of the farm. The Site, including the outbuildings, should be further evaluated for historic and architectural significance, including adaptive re-use possibilities.

As noted, an appropriate "environmental setting" should be determined and incorporated into the proposed development of the farm property. The development plan should preserve and indicate potential use(s) for the house as well as the log house.



MASTER PLAN:

Montgomery County

Montgomery County July 1990 Approved and Adopted Shady Grove Study Area Master Plan recommends that the land use pattern for development of the Crown Farm would incorporate a mix of uses: 2,000 dwelling units and 50,000 square feet of retail/commercial uses. The plan recommends a residential land use pattern that would locate most of the housing at the two proposed transit stops. The western portion of the property would have lower density housing with a housing mix of multi-family (40-50 percent), attached dwellings (40-50 percent), and detached dwellings (10-20 percent), the last to be determined at the time of subdivision and site plan review. The Master Plan suggests that retail uses of 50,000 square feet would be appropriate near the transit stops and developed in conjunction with the residential units.

A park is proposed in the high-density area adjacent to the transit stops to provide recreation for residents and employees from nearby employment. An elementary school site, proposed for west of Decoverly, would also provide recreational facilities for the residents as well as fill a need for this level of educational facility. Adaptive reuse of the historic England/Crown Farm is encouraged.

Development guidelines, in fulfillment of the Master Plan's objectives, must incorporate a mix of uses, an interconnected system of streets, street oriented buildings, diversity of housing types, and a mix of active and passive open space areas.

City of Gaithersburg

While the entire Crown Property is identified in the *2003 City of Gaithersburg Master Plan* as Special Study Area 4, that study has not yet been completed or incorporated into the adopted plan. Further, that Master Plan makes no specific land use or zoning recommendations for the property. The Crown Property, under consideration for annexation, is addressed in the Transportation Element of the 1997 Master Plan. The Corridor Cities Transitway (CCT) is shown going through the property from the southeast corner of the property.

The *1999 City of Gaithersburg Housing Policy* and *Smart Growth Policy*, as well as the Themes of *2003 Master Plan Process and Overview*, discuss the importance of maximizing single family housing throughout Gaithersburg. They also stress staging development based on adequate public facilities including existing and future transportation infrastructure and adequate school capacity. They encourage using Traditional Neighborhood Development techniques to enhance community identity along with other programs such as pocket parks, tot lots and Art in Public Places. They encourage environmentally sensitive "best practices methods" to be utilized for stormwater management and that the City participate in reducing different types of pollution including noise, visual and lighting pollution to ensure a high quality of life sustainable for future generations.

ZONING:

Current Montgomery County Zoning

The site is approximately 182.8 acres. The Montgomery County Zoning Map indicates three zoning designations. The western portion of the site, approximately 94.2 acres, is zoned R-60/TDR. The eastern portion of the site, approximately 83.7 acres, is zoned R-200. The portion of Sam Eig Highway right of way that is included in the Annexation is zoned R-200/TDR.

The R-200 Zone generally allows two housing units per acre and is similar to the City's R-A (Low Density Residential) Zone.

The Transfer of Development Rights (TDR) Program was implemented by Montgomery County in 1980 to preserve farmland and farming in the upper portion of Montgomery County identified as the county's Agricultural Reserve.

Recommended Montgomery County Zoning

The County's Master Plan recommends mixed-use residential and commercial/retail uses be developed on the farm property. As noted earlier, approximately 50,000 square feet of commercial/retail use is recommended. However, the County's Master Plan recommends that the R-60/TDR portion of the property be developed in conjunction with development of the balance of the Property (currently zoned R-200) under the Planned Development Zone with a density of 22 to 25 units per acre. The master plan provides that, through this combination, a total of 2,000 dwelling units plus MPDUs may be permitted. At 12.5 percent MPDUs, a total of 2,250 units would be the permitted residential density. Additionally, the PD Zone would permit commercial square footage of approximately 50,000 square feet.

Substantial Change

It should be noted that per Article 23A, Subsection 9(c) of the Maryland Annotated Code:

"no municipality annexing land, may for a period of five years following annexation, place that land in a zoning classification which permits a land use substantially different from the use for the land specified in the current and duly adopted Master Plan or plans . . . without the express approval of the ... County council in which the municipality is located."

The subject petition has been referred to the Montgomery County Planning Board for their review. Because the amount of commercial/retail density proposed as part of the petition is a significant increase to the County's 1990 Master Plan, the annexation would presumably require the consent of the Montgomery County Council.

Proposed City Zoning

The applicants are requesting the designation of the Mixed Use Development (MXD) Zone (Division 19, Section 24-160D.1-13 of the Gaithersburg City Code). This zone is intended to provide a more flexible approach for comprehensively planned, multi-use projects than is allowable in various conventional zoning categories.

A specific purpose of the zone is to ensure that the development will implement the adopted master plan and other relevant planning and development policies and guidelines for the area. Additionally, the MXD zone provides procedures for various plan approvals, including phased development to ensure the adequacy of the provision of public facilities and the concurrent implementation of community amenities. It is designed to provide a superior natural environment and to encourage an efficient use of land by locating employment and retail uses convenient to residential, thereby reducing dependency on the automobile and encouraging pedestrian circulation systems. Creative correlation of architecture and signage is stressed. And, importantly, the MXD Zone aims to assure compatibility of the proposed land uses with internal and surrounding uses through the highest standards of land planning.

Applications for the MXD zone require the concurrent submission of a sketch plan. The sketch plan includes boundaries, general location of existing and future roadways, general descriptions of future use and intensities related to density, size and height, generalized timing of road improvements, dedications of public lands, a staging or phasing plan, an outline of public facilities, general location of sensitive areas as well as a demonstration of general compliance with any City Master Plan recommendations.

The MXD zone stipulates minimum location, and development requirements (Section 24-160D.2). The development, if it does not specifically comply with an adopted master plan for that area, must satisfy the purposes and objectives of the MXD Zone. The land should include at least ten (10) acres, be located adjacent to readily accessible existing or planned highways, have public water and sewer, and have thematic and coordinated signage among the various uses. An interesting facet to this zone is that lots shall not be required to have direct access to a public street provided that this condition creates affordable housing or otherwise fosters the purposes and objectives of this zone.

The approximate total number and locations of dwelling units are to be established at the time of sketch plan approval. The commercial density, likewise, should not exceed that shown on the sketch plan, and shall not exceed a floor area ratio of 0.75.

The City Council shall approve MXD zoning and the accompanying sketch plan only upon finding that:

1. The application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone; and,
2. The application is in accord with recommendations in the applicable master plan for the area and is consistent with any special conditions or requirements contained in said master plan; and,

3. The application and sketch plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned areas and adjacent areas.

The City Council may also adopt, as part of the sketch plan for the MXD Zone, design guidelines regulating such elements as building setbacks, lot coverage, location and type of accessory structures, and appearance of buildings and their materials.

PUBLIC FACILITIES:

Water and Sewer Service

The water and sewer categories for the site are W-1 and S-6. There are two WSSC water transmission lines (60" and 36") that bisect the property in a generally east-west direction. Existing water and sewer lines surround the site. The sewer for the proposed development will connect to the existing sewer lines within the stream valley to the west. Water connections should be determined in coordination with WSSC as necessary.

Other Utilities

Electric, gas, cable and telephone run adjacent to the site within the public right-of-ways. The developer would have to contract with these services to extend them into the development. These services along Crown Farm Drive and within the development should be installed below ground.

Schools

The *FY 2007 Educational Facilities Master Plan and FY 2007-2012 Capital Improvements Program* for Montgomery County Public Schools (published June 2004) outlines the following:

- The Crown Farm property is currently in the Gaithersburg cluster with students attending Rosemont Elementary, Forest Oak Middle School and Gaithersburg High School.
- While the Gaithersburg cluster is found to have capacity under the Montgomery County Annual Growth Schools Test, staff is concerned that Gaithersburg High School is projected to be deficient by between 12 to 59 classroom seats between the 2008-2011 school years. A 16-room classroom addition to the Gaithersburg High School is scheduled to open in August 2006 and the proposed modernization of Gaithersburg High School is scheduled to be completed in September 2012. Forest Oak Middle School and Rosemont Elementary School have capacity open with up to 30 spaces available at Forest Oak Middle School and up to 147 available at Rosemont Elementary School between the 2008-2011 school years.*

*Original versions of the X-182 staff analysis indicate assignment to Gaithersburg Middle School. Currently, the subject property is assigned to Forest Oak Middle School.

TRANSPORTATION:

Transit

A key issue is the alignment for the **Corridor Cities Transitway (CCT)**. The currently approved alignment runs diagonally through the property and has two transit stops. During the charrette process and subsequent discussions, there seems to have been general consensus that an alignment change would be appropriate to better serve the proposed community as well as the existing Washingtonian Center. Staff has held a series of meetings with the CCT project team, and conceptually they are supportive of an alignment shift.

In addition to modifying the alignment, staff is recommending that the location of the transit station be modified to serve the Washingtonian Center as well as the proposed development on the Crown Farm.

Given that the CCT is not funded at this point and to mitigate site generated trips, staff is recommending that the applicant be required to fund and operate a shuttle bus service, similar to the one in operation at the King Farm community, for a period of 12 years.

Roads

Staff is recommending that the City analyze transportation capacity issues utilizing Montgomery County's Local Area Process (LAP); however, additional City approved pipeline development approvals including the Washingtonian North and Washingtonian South Office should be included as well. As stated below, a significant number of intersection improvements will be necessary to accommodate traffic generated by the proposed development. Staff recommends that all improvements be specifically identified in and included in the annexation agreement.

The Traffic Group, Inc. has submitted a traffic analysis that evaluated 26 intersections. Staff has requested additional intersection and traffic data. Staff is continuing to review the traffic analysis in consultation with Montgomery County Park and Planning staff.

Based on staff review, it appears that intersection improvements will be required for the following locations:

- Sam Eig Highway and Diamondback Drive
- Sam Eig Highway and MD 119
- Shady Grove Road and Darnestown Road
- Fields Road and Washingtonian Boulevard
- Fields Road and Rio Boulevard

Additionally, due to unacceptable critical lane volumes, mitigation strategies must be developed to address the following intersections:

- MD 119 and Muddy Branch Road
- MD 119 and Decoverly Drive
- MD 28 and Shady Grove Road

FINANCING OF FACILITIES:

Water and Sewer: Public Water and Sewer Facilities via WSSC will service this property. The costs of all such facilities, extensions and connections will be borne by the developer(s) of the property.

Roads: Public roads within and abutting the property will be installed by the developer, at developer's expense. Off-site road improvements required by the City, if not subject to a separate County, State or City CIP Project or participation agreement, will be paid for and/or installed by the developer.

Schools: Based on Montgomery County's Annual Growth Policy, all levels of the Gaithersburg Cluster (elementary, middle and high school) are deemed to have adequate capacity to serve the proposed development. The Owner has indicated its intent to donate a new public high school site. Construction of this facility will be financed by State or County school construction funding.

Parks and Recreation: Significant park and recreation amenities to serve the development will be required by the City as a condition of development approval. The financing of improvements to these parks and other amenities shall be the responsibility of the developer. Parks and recreational services not provided as part of the subject annexation will be financed from funds currently appropriated by the City and no extraordinary measures to finance such services are required.

Police: Police services will be financed from funds currently appropriated by the City and the County, and no extraordinary measures to finance such services are required.

Fire: Fire protection services are already provided to this area and the surrounding communities and it is anticipated that no extraordinary expenditures are required.

CCT Transitway: Land for the CCT transitway alignment shall be dedicated by the developer. Financing the construction of the CCT shall be the responsibility of the State.

Stormwater Management Facilities: Stormwater management facilities necessary to serve the development shall be the responsibility of the developer.

Financing Responsibilities for Extension of Municipal Services Crown Property (In Percentages)						
Facility	Total	County	State	Private	City	Note
Stormwater Management	100	0	0	100	0	1
High School Land	100	0	0	100	0	2
Construction	100	100	0	0	0	2
Parks/ Recreation Land	100	0	0	100	0	3
Construction	100	0	0	100	0	3
Roadway Improvements	100	0	0	100	0	4
On-Site Transitway Land	100	0	0	100	0	5
Construction	100	0	100	0	0	5
Shuttle Bus Program Capital costs	100	0	0	100	0	6
Operating costs	100	0	0	100	0	6
On-site sewer and water system	100	0	0	100	0	
Police/ fire & rescue services	100	0	0	0	100	7

NOTES:

1. All stormwater management facilities to be provided on-site.
2. Assumes developer donates land. Construction to be funded from State and County school construction budgets.
3. Developer to dedicate land for on-site City park (no construction of facilities on this park land by developer is required) and make contribution towards construction of off-site City recreation facilities.
4. Assumes construction of following on-site roadways: Decoverly Drive, Diamondback Drive, and Fields Road.
5. Developer to dedicate land for right-of-way and one transit station.
6. Developer to fund capital and operating costs of shuttle bus program from community to Shady Grove Metro Station for 12 years, starting point to be determined in annexation agreement.
7. Police and fire & rescue services provided to the community from City funds already planned and appropriated.

PROPOSED PHASING PLAN:

Staff recommends that the project be phased over a five to seven year period to mitigate impacts on public facilities. The City and developer envision a majority of the onsite public and private infrastructure improvements to be completed or under construction prior to residential construction. Additionally, the phasing schedule must be developed to ensure appropriate timing of the various intersection improvements that will be required.

STAFF RECOMMENDATION:

Staff recognizes the importance of this property to the City of Gaithersburg and Montgomery County generally. Staff supports the annexation because this area would compliment the existing Washingtonian and Rio Centers which are currently within the municipal boundaries and would assist in the identity of the municipal boundaries.

Staff recommends that the subject 182.81725 acres of land, known as the Crown Property, be annexed into the City of Gaithersburg and zoned MXD in accordance with the petitioners' request for the following reasons:

- The property is contiguous to the City and follows existing roads.
- Annexation of these parcels will fulfill the City's goal to promote annexation for logically situated parcels and to work towards the creation of more concise and reasonable boundaries. The subject properties are strategically located along an entry area to the City.
- Annexation of these parcels into the City would necessitate submission of the property to additional development review before the Planning

Commission immediately following the annexation process. This will provide the City, as well as adjacent citizens, with a convenient opportunity to participate in the development process at the local level. It is staff's opinion that the community's needs would be more effectively and responsively dealt with at the local level as it relates to phasing of development and timing of any required improvements to infrastructure and public facilities.

- These parcels are a reasonable addition to the City's boundaries. Subsequent control by the City over the development will benefit the surrounding properties.

In addition to the normal and customary provisions, staff recommends the following items be included in a legally recorded annexation agreement to be promulgated between the property owners and the City:

1. Applicant should provide an adequate site for the construction of a public high school. Adequacy shall be confirmed by Montgomery County Public Schools;
2. Subdivision and development should be in accordance with the provisions of the MXD, Mixed Use Development Zone of the City of Gaithersburg Zoning Ordinance;
3. Land use and density should be limited to 2,250 dwelling units;
4. Commercial development should be limited to 320,000 square feet of which up to 20,000 square feet may be located in the area of the transit stop;
5. Applicant should be responsible for construction and dedication of all on-site roadway improvements;
6. Applicant should be responsible for all off-site roadway improvements required by the City based on a comprehensive traffic analysis;
7. Applicant should provide a staging plan to address the timing of a traffic mitigation plan and off-site roadway improvements;
8. The applicant must implement a shuttle bus program from the community to the Shady Grove Metro station. Applicant must provide a funding mechanism to ensure that the shuttle bus will remain in operation for a period of 12 years;
9. Applicant should dedicate a 5 acre park to the City for use as passive open space;

10. Applicant should submit detailed design guidelines for City approval at the time of Schematic Development Plan review;
11. Applicant should dedicate necessary right-of-way for the Corridor Cities Transitway on the property and construct 250 public parking spaces for the CCT;
12. Applicant should make a significant financial contribution for off-site regional recreation amenities;
13. Applicant should preserve a historic setting and restore the existing farmhouse and log tenant house;
12. Applicant should participate in the Art in Public Places program;
14. Applicant should comply with all applicable environmental laws and regulations, including storm water management and forest conservation.
15. Applicant should provide twelve and one-half percent (12.5%) of the residential dwelling units in accordance with an affordable housing program to be developed by the City of Gaithersburg.

Electronic versions of this analysis and all attachments are available at
www.gaithersburgmd.gov

